



General Assembly

February Session, 2002

***Raised Bill No. 5742***

LCO No. 2512

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE POSSESSION OR USE OF CERTAIN  
FIREARMS FOR PURPOSES OTHER THAN HUNTING OR SELF-  
DEFENSE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-202 of the general statutes, as amended by  
2 section 69 of public act 01-195, is repealed and the following is  
3 substituted in lieu thereof (*Effective July 1, 2002*):

4 (a) As used in this section: (1) "Machine gun" shall apply to and  
5 include a weapon of any description, loaded or unloaded, which  
6 shoots, is designed to shoot or can be readily restored to shoot  
7 automatically more than one projectile, without manual reloading, by  
8 a single function of the trigger, and shall also include any part or  
9 combination of parts designed for use in converting a weapon into a  
10 machine gun and any combination of parts from which a machine gun  
11 can be assembled if such parts are in the possession of or under the  
12 control of a person. (2) "Crime of violence" shall apply to and include  
13 any of the following-named crimes or an attempt to commit any of the  
14 same: Murder, manslaughter, kidnapping, sexual assault and sexual  
15 assault with a firearm, assault in the first or second degree, robbery,

16 burglary, larceny and riot in the first degree. (3) "Projectile" means any  
17 size bullet that when affixed to any cartridge case may be propelled  
18 through the bore of a machine gun.

19 (b) Any person who possesses or uses a machine gun in the  
20 perpetration or attempted perpetration of a crime of violence shall be  
21 imprisoned not less than ten years nor more than twenty years.

22 (c) Any person who possesses or uses a machine gun for an  
23 offensive or aggressive purpose shall be fined not more than one  
24 thousand dollars or imprisoned not less than five years nor more than  
25 ten years or be both fined and imprisoned.

26 (d) The possession or use of a machine gun shall be presumed to be  
27 for an offensive or aggressive purpose: (1) When the machine gun is on  
28 premises not owned or rented, for bona fide permanent residence or  
29 business occupancy, by the person in whose possession the machine  
30 gun was found; or (2) when in the possession of, or used by, an  
31 unnaturalized foreign-born person, or a person who has been  
32 convicted of a crime of violence in any state or federal court of record  
33 of the United States of America, its territories or insular possessions; or  
34 (3) when the machine gun is of the kind described in subsection (g)  
35 [hereof] of this section and has not been registered as [therein]  
36 required by said subsection; or (4) when empty or loaded projectiles of  
37 any caliber which have been or are susceptible of use in the machine  
38 gun are found in the immediate vicinity thereof.

39 (e) The presence of a machine gun in any room, boat or vehicle shall  
40 be presumptive evidence of the possession or use of the machine gun  
41 by each person occupying such room, boat or vehicle.

42 (f) Each manufacturer shall keep a register of all machine guns  
43 manufactured or handled by the manufacturer. Such register shall  
44 show the model and serial number, and the date of manufacture, sale,  
45 loan, gift, delivery or receipt, of each machine gun, the name, address  
46 and occupation of the person to whom the machine gun was sold,

47 loaned, given or delivered, or from whom it was received and the  
48 purpose for which it was acquired by the person to whom the machine  
49 gun was sold, loaned, given or delivered. Upon demand, any  
50 manufacturer shall permit any marshal or police officer to inspect such  
51 manufacturer's entire stock of machine guns, and parts and supplies  
52 therefor, and shall produce the register, [herein] required by this  
53 subsection, for inspection. Any person who violates any provision of  
54 this subsection shall be fined not more than two thousand dollars.

55 (g) Each machine gun in this state adapted to use projectiles of any  
56 caliber shall be registered in the office of the Commissioner of Public  
57 Safety within twenty-four hours after its acquisition and, thereafter,  
58 annually, on July first. Blanks for registration shall be prepared by said  
59 commissioner and furnished upon application. To comply with this  
60 subsection, the application as filed shall show the model and serial  
61 number of the gun, the name, address and occupation of the person in  
62 possession, and from whom and the purpose for which the gun was  
63 acquired. The registration data shall not be subject to inspection by the  
64 public. Any person who fails to register any gun as required [hereby]  
65 by this subsection shall be presumed to possess the same for an  
66 offensive or aggressive purpose. The provisions of this subsection shall  
67 not apply to any machine gun which has been registered under the  
68 provisions of subsection (f) of this section and which is still in the  
69 actual possession of the manufacturer.

70 (h) No provision of this section shall apply to: (1) The manufacture  
71 of machine guns for sale or transfer to the United States government,  
72 to any state, territory or possession of the United States or to any  
73 political subdivision thereof or to the District of Columbia; (2) the  
74 possession of a machine gun rendered inoperable by welding of all  
75 critical functioning parts and possessed as a curiosity, ornament or  
76 keepsake; or (3) a machine gun acquired, transferred or possessed in  
77 accordance with the National Firearms Act, as amended, provided  
78 such machine gun shall be subject to the provisions of subsection (g) of  
79 this section.

80     (i) The Department of Public Safety shall annually determine  
81     whether there are firearms other than machine guns that are not  
82     suitable principally for use in hunting or self-defense and whose  
83     possession or use should be subject to the provisions of this section.  
84     Not later than January 15, 2003, and annually thereafter, the  
85     department shall report its findings and recommendations to the joint  
86     standing committee of the General Assembly on judiciary in  
87     accordance with the provisions of section 11-4a.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>

***Statement of Purpose:***

To require the Department of Public Safety to annually determine if there are firearms that are not suitable for hunting or self-defense and whose possession and use should be treated like the possession and use of machine guns.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*